

CALL TO ORDER

The one-hundred thirty-seventh meeting of the Water and Wastewater Operator's Advisory Council (Council) was called to order at 1:30 p.m. by Carol Reifschneider, Ph.D., MSU-Northern, Council Chairperson. Other Council members present included: Joanne "Joni" Hall Emrick, Kalispell; Council Vice Chair; Roger Thomas, Billings; Bob Cottom, Dillon; and Jon Dilliard, DEQ Community Services Bureau Chief.

Department personnel attending all or portions of the meeting were Jenny Chambers, Certification Officer; Reta Therriault, Certification Technician; Ashley Eichhorn, Certification Technician; Ruby Miller, Reimbursement Grant Accountant Technician; John Camden, Acting Public Water Supply Section Supervisor.

MINUTES APPROVED

The minutes from the previously held meeting on May 22, 2002 were unanimously approved following a motion by Carol and a second by Joni.

Jenny reported on the action item from the previously held meeting regarding the wastewater guide review. The reference guide titled Wastewater Operators Guide to Preparing for Certification Examination produced by the Water Environment Federation (WEF) in collaboration with the Association of Boards of Certification will be added to the 1C and 2C study guides. Also, a copy of the reference guide was purchased for the office and the Montana Environmental Training Center was notified to ensure they have an up-to-date reference library.

ABC WATER EXAM
PROCESS

Scott Anderson from Anderson-Montgomery Engineers provided the Council a written project status report. The project status report indicated that the contract between Anderson-Montgomery Engineers and Montana DEQ was signed on June 25, 2003. Work on the contract began shortly after the issuance by developing a summary of what water operators "Need to Know" to properly operate various types of water systems found in Montana. A workgroup of Montana operators and Montana DEQ staff was formed to participate in the process. The workgroup met on August 14, 2003 and the information gathered during this meeting with the consultant will be used to develop a resultant summary of what the workgroup identified as applicable needs. Future activities include finalizing the Needs to Know list and developing examinations utilizing ABC questions based on the final Needs to Know.

Joni questioned the statement in the project status report regarding the possibility of merging the Class 5 certification level with Class 4. Jenny acknowledged Joni's concern and stated this will be discussed later in the meeting during the Proposed Rule Change section.

WATER SCHOOL AND EXAM REPORT

Reta reported to the Council members on the office exams administered since the May Council meeting and the June 2003 Summer School held in Missoula. There were a total of 14 exams given at Summer School and the pass rate was 85.71%.

John Camden reported that there were an approximate total of 175 participants and 16 vendors for the 70th Annual Water School held in Bozeman. Reta added that there are 72 individuals signed up to take the examination on September 26, 2003.

REIMBURSEMENT PROGRAM UPDATE

Ruby Miller indicated that she processed reimbursement packages that totaled \$60,287.36. The total amount is lower than anticipated, but she thinks that with continuing marketing efforts the amount of money reimbursed will increase. As a marketing effort, Ruby stated that postcards were sent out on June 3, 2003 to further advertise the program and to remind qualified applicants to submit reimbursements request by June 30th to allow for fiscal year end closure. Examples of the postcards were provided to the Council members. Informational fact sheets and reimbursement renewal forms were sent out with the fiscal year 2004 renewal invoices. The department has processed 211 requests for renewal fee reimbursement.

Ruby explained that the Operator Reimbursement database is close to completion and that testing has begun in the developmental portion of the database.

On September 10, 2003, the department received the approval letter from the Environmental Protection Agency on the modified workplan submitted in May 2003. This workplan will allow approximately \$40,000.00 to be used annually to enhance the training opportunities for water operators of small water systems serving 3,300 or fewer people. Examples of funds allocated include Dr. Patricia Meinhardt's presentations at the 70th Annual Fall Water School held in Bozeman and sending Mr. John McDunn, DEQ, to specialized Disinfectants/Disinfection By Products Rule training. Mr. McDunn will return to Montana to train operators and systems owners on this new rule. The first

training held by Mr. McDunn is scheduled for October 7, 2003. Funds will also be available to Montana Approved Training Providers after submittal of a justification proposal and approval by the department. (An example of the letters sent to the Montana Approved Training Providers was provided to the Council members.)

RENEWAL UPDATE

Ashley Eichhorn stated that a total of 1534 renewal invoices for fiscal year 2004 were mailed on April 15, 2003. After Spring Water School and grading of exams, an additional 63 new operators were certified and renewal invoice notices were mailed. After the renewal invoices were sent out 46 operators provided notices that they wished to be inactivated. On July 3, 2003, a total of 253 suspension letters were mailed. On July 30, 2003, a total of 93 revoke letters were mailed and on August 6, 2003 only 58 operators were revoked. The total amount of renewal funds received, including late fees, was \$57,135.00.

COMPLIANCE STATUS REPORT AND ENFORCEMENT

The Operator Certification Program staff (Reta, Ashley, Ruby, and Jenny) reported that they have completed a thorough review/proofing of operator information in database and files. The process went well and a lot of data was cleaned up.

Reta Therriault handed out copies of the August 2003 Compliance Status Report showing a compliance rate of 99% for Community, 96% for Non-Transient Non-Community, and 97% for Wastewater systems. Due to the database wastewater review and the revocations of operators from unpaid renewal fees there are still some systems that have to be added to the compliance list.

The issue regarding the operator in Billings that was sent to the Enforcement Division January 2002 was discussed during this meeting. In the past, it was determined that there was a breach in the operator duties that occurred and the past practices were serious enough that the department will still proceed with a reprimand. The Enforcement Request was completed February 5, 2003 to request the department issue an Administrative Order (AO) of Reprimand with a one-year probation period. Jenny has been working closely with the Public Water Supply legal council and the Enforcement Division to finalize the AO. On September 18, 2003, Jenny submitted another revision to the Enforcement Division that incorporated comments from the department's legal council representative. The AO is close to completion and should go out during the month of October.

PROPOSED RULE
CHANGES

The possibility of merging the Class 5 certification level with Class 4 was the first issue discussed. During a preliminary meeting, with Scott Anderson and DEQ staff, on the conversion of the departments exams to ABC standardized exams it was discussed on possible ways to reduce the number of study guides and examinations. There are currently 11 examinations and DEQ staff and Anderson-Montgomery Engineers must review all questions used for examinations. To reduce the number of questions needed from ABC the idea arose to combine the Class 5 certification level with the Class 4. The possible combination was based on population and correlated with the required number of bacteriological samples taken by the systems monthly. The current breakdown for water distribution systems are as follows: Class 1 – serving more than 20,000 people; Class 2 – serving 2,500 to 20,000 people; Class 3 – serving 500 to 2,499 people; Class 4 – serving 100 to 499 people; and Class 5 – serving fewer than 100 people. The current breakdown for water treatment systems are as follows: Class 1 – treatment for surface water utilizing chemical coagulation, filtration, and disinfection; Class 2 – treatment for surface water not utilizing chemical coagulation; Class 3 – well water supply serving greater than 2,500 people, with or without disinfection; Class 4 – well water supply serving 100 to 2,500 people with or without disinfection; Class 5 – well water supply serving fewer than 100 people, with or without disinfection. The proposed combination and population changes for water distribution systems would be as follows: Class 1 would remain the same; Class 2 would remain the same; Class 3 – serving between 1001 to 2,499 people; Class 4 – serving between 25 to 1000 people; and Class 5 would be deleted. The proposed combination and population changes for water treatment would be as follows: Class 1 through 3 would remain the same; Class 4 – well water supply serving 25 through 2,500 people, with or without disinfection; and Class 5 would be deleted. Jenny discussed some of the pros and cons of the possible merging of certification levels. The pros discussed include: reducing the total number of exams by one and the breakdown of population would be according to the number of monthly bacteriological samples required to be taken. The cons discussed include: it may be difficult for smaller systems to pass the newer examinations; the department may be lowering the standards for Class 4 operators; the combined classification may have an effect in the future if the department is required to certify Transient system operators; the Continuing Education Credit level would increase for the current and future Class 5 operators; and the experience requirement for fully certified operators would increase for current and future

Class 5 operators-in-training. The Council members and others present had mixed feelings regarding the possible merging of certification levels. Jon Dillard suggested another possibility that would keep the classification the same but would eliminate one examination. He proposed that the level 4 and 5 examination could be the same examination just two separate parts. The class 4 operators would have to take the entire examination, but the class 5 would only have to take the first part. The Council members decided to table the discussion and requested that Jenny contact Montana Rural Water Systems and Midwest Assistance Program staff to facilitate comments from these organizations and to possibly review how other states classify their small water system operators. This item will be added to the action item list and feedback will be distributed via e-mail. Depending on outcome of feedback the Council may choose to vote and determine a decision via e-mail.

The Council discussed the possibly modification to existing requirements for operators obtaining Continuing Education Credits. The proposal was discussed to possible allow contact hours for vendor shows and/or breaks and lunches during conferences/seminars. The Council members did not want to provide contact hours for lunch breaks during conferences/seminars and had mixed feels regarding vendor shows and the standard 15-minute breaks during training sessions. Bob stated that he felt operators should be allowed credit for 15-minute breaks, because networking activities occur during this time. Roger stated that a maximum amount should be established for operators attending vendor shows. After a long discussion, Joni made a motion to turn this rule proposal modification over to the Continuing Education Credit Review Committee (CECRC) for their recommendation. Roger seconded the motion and all of the remaining council members agreed. The CECRC was formed to provide guidance and support to the Advisory Council and the Certification Program concerning issues related to continuing education requirements. Upon recommendations from the CECRC, the Council members agreed to review and vote via e-mail, as necessary.

The Council discussed increasing the existing wastewater operator renewal requirement by \$10.00. During the May 22, 2003 Council meeting, an extensive review and discussion of budget projection proposals relating to the program occurred. Several plans and program possibilities were presented and discussed. The Council voted and agreed upon the plan to subsidize water fees using

federal funds by utilizing the annual allocation of State Revolving Funds. This plan will also proceed with a rule change to increase the wastewater operator's annual renewal fees in FYO4. This rule proposal was discussed and Jenny indicated that it was included on the Rule Request Statement Outline submitted to the DEQ Division Administrator for addition to the DEQ rule priority list.

The other item discussed is in regards to the reciprocity language cited in Section 37-42-305, MCA. The language discussed is as follows " Certification without examination. The department may consider for certification the holder of a certificate issued by a governmental agency or equivalent certification board of another state on presentation to the department of satisfactory evidence that the applicant is in responsible charge of works located in this state requiring a certified operator and that he has successfully passed an examination at least as equivalent ..." Jenny brought up this issue regarding reciprocity to the Council for review because some of the systems supervisors want to determine how an operator certification from another state would be transferred to Montana before considering hiring the individual. Jenny has voluntarily reviewed other states policies and rules and usually provides a general interpretation of how the operators certification may be transferred based on the information provided. However, depending on the information provided and verification with the state operator certification program the individual applying for reciprocity may or may not be properly certified for the systems they were hired for in Montana. Roger stated that Billings has had this incidence happen and it may have been nice to know exactly how the certificate would be transferred to Montana before Billings hired the operator. This would have to be a law change during the next legislature period; therefore the Council tabled this discussion.

FAREWELLS AND COUCIL CHANGES

Bob Cottom's term ends on October 16, 2003 and he wishes to step down from the Council. Carol presented Bob Cottom with a plaque indicating his years of service to the Council. The Council members thanked Bob for his hard work over the years and for serving as chairperson of the Council.

During the May 22, 2002 meeting Lee Leivo indicated that he will retire from the City of Bigfork effective the end of June. At this time, Lee had other career opportunities pending. Lee was unable to attend the meeting, but had told Reta during a phone call that he will resign from the Council. Lee indicated that he will provide a letter of resignation. A plaque was made for Lee and upon receipt

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of his resignation letter it will be sent to him. The Council members wished Lee were present to thank him for his years of service and to present him with his plaque in person.

On September 2, 2003, a letter was provided to Governor Martz informing them that Jim Melstad has retired from the Department of Environmental Quality and therefore has resigned from his position on the Water and Wastewater Operators' Advisory Council. Mr. Melstad held the position on the Council as the ex officio representative as outlined in 2-15-2105(2)(e) MCA, which states "a qualified member of the staff of the department of environmental quality, appointed by the department's director." The department has chosen Mr. Jon Dilliard as its appointee to fill the vacancy that Mr. Melstad's resignation has caused.

Copies of the Council's point-of-contact list were distributed that documented the Council changes. Jon Dilliard indicated that his phone number should be changed and provided the new number. The update of the Council's point-of-contact list will be added to the action item list for this meeting.

Jenny informed the Council members that the Fall 2003 issue of the Big Sky Clearwater contained an article regarding Bob's vacancy on the Council and vacancy announcements were posted on the Operator Certification Programs website. Ideas were discussed to receive a pool of interested applicants for the vacancy. One idea was to contact the League of City and Towns, Montana Water Environmental Association, and Montana Rural Water Systems informing them of the vacancy. Jenny proposed to develop a standard letter to send to all qualified operators located in Montana.

DATE OF NEXT
MEETING
ADJOURNMENT

The next meeting will be May 20, 2004 in Helena.

Joni made the motion to adjourn the meeting at 2:56 and Roger seconded. The motion to adjourn was unanimous.